

Title XVII - Highways

Fort Peck Tribes Assiniboine & Sioux

Comprehensive Code of Justice

Sec. 130. Child restraint systems.

(a) No Indian resident of the Fort Peck Reservation who is the parent or legal guardian of a child between 0 and 4 years old, or weighing less than 40 pounds may transport the child in a motor vehicle owned by the resident or his/her spouse unless the child is properly restrained in a safety belt or other properly designed and manufactured child restraint system.

(b) No Indian resident or his/her spouse is required to have more than three (3) child safety restraints system in a vehicle.

(c) This section is not applicable to a vehicle that is a motorbus, school bus, moped, motorcycle or three (3) or four (4) wheel all-terrain vehicle.

(d) Any Indian resident cited and convicted for violating the provisions of this section shall be subject to a civil penalty as prescribed by Section 125 of this Title.

(APPROVED PER RESOLUTION NO. 1200-90-8, DATED 08/27/90.)

Sec. 131. Safety belt use required.

(a) Every person sixteen (16) years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(b) No person shall operate a motor vehicle unless all passengers under the age of sixteen (16) are either wearing a safety belt assembly or are securely fastened into an approved child restraint system as set forth in Section 130 (a) of this Title.

(c) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of any other provision under this Title. A person violating this section may be issued a written warning of the violation at the officer's discretion.

(d) This section is not applicable to:

(i) operators or passengers of motorbuses, school buses, taxicabs, mopeds, motorcycles, three (3) or four (4) wheel all-terrain vehicles or vehicles over 10,000 pounds gross vehicle weight (GVW), and

(ii) an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt assembly for physical or medical reasons.

(e) Failure to comply with the requirements of this Section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(f) Any person cited and convicted for violating the provisions of this Section shall be subject to a civil fine of not less than \$25.00 and not more than \$50.00.

(AMENDED AS PER RESOLUTION NO. 514-92-2, DATED 02/24/92.)